



Reprinted
March 6, 2001

SENATE BILL No. 344

DIGEST OF SB 344 (Updated March 5, 2001 2:12 PM - DI 106)

Citations Affected: IC 32-8; noncode.

Synopsis: Abandoned watercraft. Permits marina operators to sell at auction watercraft that have been left at the marina without permission for more than six months. Requires the marina operator to perform a title search at the bureau of motor vehicles before conducting an auction and requires the marina operator to notify the owner and any lien holder of the intent to sell the abandoned watercraft. Allows the owner or lien holder to redeem the watercraft within 10 days of receiving notice from the marina operator. Provides that if the watercraft is not redeemed, the watercraft will be auctioned and sold to the highest bidder. Requires the marina operator to provide the highest bidder with an affidavit of sale, which constitutes proof of ownership permitting the bureau to issue a certificate of title to the purchaser.

Effective: July 1, 2001.

Mrvan, Landske, Bowser

January 16, 2001, read first time and referred to Committee on Judiciary.
February 15, 2001, amended, reported favorably — Do Pass.
March 5, 2001, read second time, amended, ordered engrossed.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 344

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-8-40 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]:

4 **Chapter 40. Sale of Abandoned Watercraft**

5 **Sec. 1.** As used in this chapter, "marina operator" means a
6 person, a firm, a corporation, a limited liability company, a
7 municipality, or another unit of government that is engaged in the
8 business of operating a marina.

9 **Sec. 2.** A marina operator may:

- 10 (1) sell a watercraft that has been left without permission at
11 the marina for more than six (6) months; and
12 (2) recover the operator's reasonable maintenance, repair,
13 dockage, storage, and other charges if the conditions
14 described in section 3 of this chapter are met.

15 **Sec. 3.** The marina operator shall:

- 16 (1) perform a search of watercraft titles at the bureau of
17 motor vehicles for:

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- 1 (A) the name and address of the owner of the watercraft;
 2 and
 3 (B) the name and address of any person holding a lien or
 4 security interest on the watercraft;
 5 (2) after receiving the results of the search required by
 6 subdivision (1), give notice by certified mail, return receipt
 7 requested, or in person, to the last known address of the
 8 owner of the watercraft, to any lien holder with a perfected
 9 security interest in the watercraft, and to all other persons
 10 known to claim an interest in the watercraft. The notice must
 11 include an itemized statement of the charges, a description of
 12 the watercraft, a demand for payment within a specified time
 13 not less than ten (10) days after receipt of the notice, and a
 14 conspicuous statement that unless the charges are paid within
 15 that time, the watercraft will be advertised for sale and sold
 16 by auction at a specified time and place;
 17 (3) advertise that the watercraft will be sold at public auction
 18 in conformity with the provisions of IC 26-1-7-210 and
 19 IC 26-1-2-328. The advertisement of sale must be published
 20 once a week for two (2) consecutive weeks in a newspaper of
 21 general circulation in the county where the watercraft has
 22 been left without permission. The advertisement must include
 23 a description of the watercraft, the name of the person on
 24 whose account the watercraft is being held, and the time and
 25 place of the sale. The sale must take place at least fifteen (15)
 26 days after the first publication. If there is no newspaper of
 27 general circulation where the sale is to be held, the
 28 advertisement must be posted at least ten (10) days before the
 29 sale in not less than six (6) conspicuous places in the
 30 neighborhood of the proposed sale;
 31 (4) conduct an auction sale, not less than thirty (30) days after
 32 the return receipt is received by the marina operator, on the
 33 marina property where the watercraft was left without
 34 permission;
 35 (5) provide a reasonable time before the sale for prospective
 36 purchasers to examine the watercraft;
 37 (6) sell the watercraft to the highest bidder; and
 38 (7) immediately after the auction sale, execute an affidavit of
 39 sale in triplicate on a form prescribed by the bureau of motor
 40 vehicles stating:
 41 (A) that the requirements of this section have been met;
 42 (B) the length of time that the watercraft was left on the

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1 marina property without permission;

2 (C) the expenses incurred by the marina operator,
3 including the expenses of the sale;

4 (D) the name and address of the purchaser of the
5 watercraft at the auction sale; and

6 (E) the amount of the winning bid.

7 Sec. 4. Upon payment of the bid price by the purchaser, the
8 marina operator shall provide the purchaser with the affidavit of
9 sale described in this chapter.

10 Sec. 5. The affidavit of sale under this chapter constitutes proof
11 of ownership and right to possession under IC 9-31-2-16.

12 Sec. 6. After the purchaser:

13 (1) presents the bureau of motor vehicles with the affidavit of
14 sale;

15 (2) completes an application for title; and

16 (3) pays any applicable fee;

17 the bureau shall issue to the purchaser a certificate of title to the
18 watercraft.

19 Sec. 7. If a boat is sold under this chapter for an amount of
20 money that is greater than the charges owed to the marina
21 operator plus all reasonable expenses of sale, the excess shall be
22 paid to the watercraft owner and any lien holders with an interest
23 in the watercraft.

24 SECTION 2. [EFFECTIVE JULY 1, 2001] This chapter applies to
25 all watercraft located on the property of a marina after January 1,
26 2001.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as second author of Senate Bill 344.

MRVAN

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, delete "." and insert "**in conformity with the provisions of IC 26-1-7-210.**".

and when so amended that said bill do pass.

(Reference is to SB 344 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Bowser be added as coauthor of Senate Bill 344.

MRVAN

SENATE MOTION

Mr. President: I move that Senate Bill 344 be amended to read as follows:

Page 2, line 6, delete "send" and insert **"give"**.

Page 2, line 7, after "requested," insert **"or in person,"**.

Page 2, line 8, after "watercraft" insert **", "**.

Page 2, line 8, delete "and".

Page 2, line 9, after "watercraft" insert **", and to all other persons known to claim an interest in the watercraft"**.

Page 2, line 9, delete "must:" and insert **"must include an itemized statement of the charges, a description of the watercraft, a demand for payment within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the charges are paid within that time, the watercraft will be advertised for sale and sold by auction at a specified time and place;"**.

Page 2, delete lines 10 through 24.

Page 2, line 26, after "IC 26-1-7-210" insert **"and IC 26-1-2-328"**.

Page 2, line 29, delete ":".

Page 2, run in lines 29 and 30.

Page 2, line 30, delete "(A)".

Page 2, line 31, delete "permission; and " and insert **"permission. The advertisement must include a description of the watercraft, the name of the person on whose account the watercraft is being held, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;"**.

Page 2, delete line 32.

Page 2, line 33, delete "forty-five (45)" and insert **"thirty (30)"**.

(Reference is to SB 344 as printed February 16, 2001.)

MRVAN

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